

Attorney Docket No.: 34874-022 / 2003P00820

REMARKS

Overview

Claims 1-20 are pending, with claims 1, 9, and 14 being independent. Reconsideration and allowance are requested.

Rejections under 35 U.S.C. § 103

Claims 1-20 are rejected as allegedly being obvious in view of a combination of two or more of King et al. (Patent Number 5,745,904; "King"), Benson (Publication Number 200410225675 A1; "Benson"), Cras et al. (Patent Number 6,831,668; "Cras"), and Potts, Jr. et al. (Patent Number 6,516,339; "Potts"). These rejections are traversed.

The claims should be allowed because features of the claims are not disclosed and the claims are not obvious.

King Does Not Disclose a Reporting Tool or Planning Function

King does not disclose a reporting tool or planning tool. Independent claim 14 includes features directed to a reporting tool and a planning tool. Claim 14 recites, in part:

"a reporting tool for reporting operations based on one or more data objects accessed from the data buffer;

a planning tool, integrated with the reporting tool, for planning operations based on the one or more data objects accessed from the data buffer."

King is alleged to disclose these features; however, this is not the case. In particular, the official action alleges that the retrieval of a record and index function of King correspond to the reporting and planning tool of claim 14. Official Action, p. 7. This is not the case.

In particular, the cited section of King discloses:

"The user then invokes a 'find' index function request specifying a request key of 'Sharp.' As shown in FIG. 3, this request is passed to the indexing logic 66 which sends the request to both the user index and the modified value index. In response, the modified value index returns an original table record identifier of (3). The user index also returns an original table record identifier of (3), but the look aside

Attorney Docket No.: 34874-022 / 2003P00820

index shows that this record identifier is buffered. The indexing logic 66 then sends a 'skip' request to the user index which returns the original record identifier (1) for the next record in the key order (i.e., with key 'Silver'). The look aside index shows that this record is not buffered. Since the indexing logic 66 now has an original table record identifier result from both the user index and the modified value index, it retrieves the full keys from these records which are 'Sharpe' and 'Silver,' respectively. Since 'Sharpe' is closest in the index order to the request key 'Sharp,' the indexing logic 66 returns that record's original table record identifier (3) to the buffering and look aside logic 56. The buffering and look aside logic 56 determines from the look aside index that original table record identifier (3) is buffered as table buffer record identifier (1). So, the logic 56 retrieves the record with table buffer record identifier (1) from the table buffer and returns its data to the user interface for display to the user."

First, a reporting tool isn't even identified in the official action. Even if the retrieval of a record is considered a tool, there it is not "a reporting tool for reporting operations based on one or more data objects accessed from the data buffer." Claim 14. The retrieval of a record identifier is not the same as a reporting tool for reporting operations. For example, a reporting tool, in some implementations, may be used to view data corresponding to a price, sales, make, model, and year of trucks sold by a company. Present Application, ¶ 24. Thus, King does not disclose the reporting tool of claim 14.

As per a planning tool, King's index function of the above section is allegedly a planning tool. The "indexing function" of King is a "'find' index function request specifying a request key of 'Sharp.'" and returns a records table record identifier. This disclosure does not amount to "a planning tool, integrated with the reporting tool, for planning operations based on the one or more data objects accessed from the data buffer," for at least the reason the tool is not related to planning. Thus, King does not disclose the planning tool of claim 14.

The reporting and planning tools are beneficial in combination with the delta buffer, as performance may be improved for reporting tools as changes from a planning tool may be available before changes are persisted to a database. For example, results

Attorney Docket No.: 34874-022 / 2003P00820

from planning tools may be available for a reporting tool without a time delay of extraction processes. Present Application, ¶ 8.

As neither the reporting tool or planning tool are disclosed in King, and they are not disclosed in Benson (neither “reporting” nor “planning” exist in Benson), the combination of King and Benson fails to disclose features of independent claim 14 and independent claim 14 is allowable.

Independent Claims are Not Obvious in View of King and Benson

The subject matter of the independent claims is not obvious in view of King and Benson. In particular, the cited motivation to combine does not provide sufficient motivation to combine the cited references to arrive at the claimed subject matter.

Independent claims 1, 9, and 14 are alleged to be obvious because

“the steps of ‘and a delta buffer configured to store a delta record, wherein the delta record characterizes a difference between the data objects and a modified version of the data objects [...]’ would have given those skilled in the art the tools to improve the invention by enabling synchronization of data sources. This gives the user the advantage of ensuring the integrity of data.” See e.g., Official Action, p. 4 (emphasis added).

Apparently, Benson and King are combined because synchronization may be enabled for King. Id. (“enabling synchronization”). Even assuming this motivation exists, this alleged motivation is so broad that the motivation fails to establish that the King and Benson should be combined to result in the claimed subject matter. In particular, even if there was a motivation to add synchronization to King, that motivation does not mean that the synchronization of Benson should be added to King. A simple search of the United States Patent Full-Text and Image database shows over 118,798 hits for the word synchronization. Last visited 1/30/07. Yet, there is no reason why the synchronization of Benson, as opposed to potentially hundred, if not thousands of other types of synchronization, should be added to King. Thus, a prima facie case of obviousness has not been established as the cited motivation to combine is insufficient.

In addition, there is no reason to believe that one of ordinary skill in the art would be motivated to add the synchronization of Benson to King for at least the reason that there is no reason to believe that one of ordinary skill in the art would desire to add

Attorney Docket No.: 34874-022 / 2003P00820

synchronization to King. Credibility of the motivation is dubious, as the official action has no cited reason for why synchronization should be added to King. See e.g., Official Action, p.4 (implicitly relies on official notice). In addition, the word synchronization never appears in King. King deals with "a table buffer for buffering as yet uncommitted modifications of records in an original shared database table and a look aside index for redirecting original table accesses to the modifications in the table buffer." Abstract. There is no reason to believe that synchronization of any type should be added to King, let alone the synchronization of Benson. Thus, the subject matter of the independent claims is not obvious in view of King and Benson, and, independent claims 1, 9, and 14 are allowable.

As dependent claims 2-8, 10-13, and 15-20 depend directly, or indirectly, on claims 1, 9, and 14, these claims are also allowable for at least the reasons above.

#### Conclusion

In view of the remarks herein, claims 1-20 should be allowed. The foregoing comments made with respect to the positions taken in the office action are not to be construed as acquiescence with other positions of the office action that have not explicitly contested. Accordingly, arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

Attorney Docket No.: 34874-022 / 2003P00820

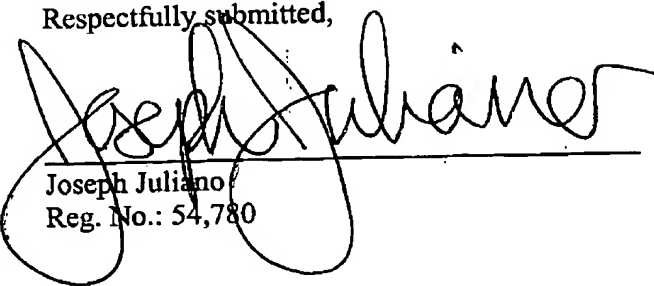
If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-022-UTL.

Please update the attorney docket number to reflect the new docket number.

Date: 1/30/07

Respectfully submitted,



Joseph Julian  
Reg. No.: 54,780

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
9255 Towne Centre Drive, Suite 600  
San Diego, CA 92121  
Customer No. 64280  
Tel.: 858/320-3000  
Fax: 858/320-3001

TRA 2231990v.1